

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Lighthouse Community Church of God,
a non for profit ecclesiastical corporation,

Plaintiff,

v.

Honorable Sean F. Cox

City of Southfield, *et al.*,

Case No. 05-40220

Defendants.

OPINION & ORDER
GRANTING DEFENDANT'S MOTION TO UNSEAL

Plaintiff filed this action on July 12, 2005. On April 12, 2007, the parties settled the matter and placed a confidential settlement agreement on the record, which includes the total settlement amount paid under the agreement. The confidentiality agreement entered into by the parties requires that neither party disclose information regarding the resolution of the case without a motion and determination by the Court. This matter is currently before the Court on Defendant City of Southfield's "Emergency Motion to Permit City of Southfield to Disclose Records Under Michigan Freedom of Information Act."

Defendant received a request for information under the Freedom of Information Act, M.C.L. §15.231 *et seq.* ("the FOIA Request") on July 19, 2007. The FOIA Request seeks "copies of all checks and other records of monies paid to Lighthouse Community Church of God." (*See* FOIA Request, attached as Ex. 1 to Def.'s Motion).

After receiving the FOIA Request, counsel for Defendant contacted Plaintiff's counsel, identified the limited records that the City possesses that are responsive to the FOIA Request (*see* Ex. 2 to Def.'s Motion), and requested that Plaintiff stipulate to the release of those records

without involvement of the Court.

Plaintiff would not agree to release the records without involvement of the Court and on August 14, 2007, Plaintiff filed a response to the pending motion. Notably, Plaintiff does not oppose the release of the requested records or provide any authority or argument that would support a denial of Defendant's motion. Rather, Plaintiff takes the untenable position that in addition to allowing the release of the records responsive to the FOIA Request, the Court should also "release" or "unseal" two specific e-mails that were the subject of a Motion to Compel Discovery during the course of the litigation (*i.e.*, e-mails between Mr. Jewell and Mr. Hallberg). The e-mails to which Plaintiff refers were not "sealed" in this matter and were not part of the confidential settlement agreement between the parties. Rather, the Court issued an order compelling the production of those two e-mails during the course of the litigation, but the action was settled before the e-mails were produced by Defendants. Thus, the Court cannot enter an order "unsealing" such e-mails and there is no basis for the Court to enter any order compelling Defendants to produce discovery after the action has been settled and the case closed.

Accordingly, **IT IS ORDERED** that Defendant's "Emergency Motion to Permit City of Southfield to Disclose Records Under Michigan Freedom of Information Act" is **GRANTED** and Defendant shall be permitted to release documents responsive to the FOIA Request ("copies of all checks and other records of monies paid to Lighthouse Community Church of God.") (*See* FOIA Request, attached as Ex. 1 to Def.'s Motion).

IT IS FURTHER ORDERED that no costs or attorney fees shall be awarded to either party with respect to this motion.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 14, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 14, 2007, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager